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1864



Spiller, W. T.
A STATEMENT OF FACTS

CONCERNING THE

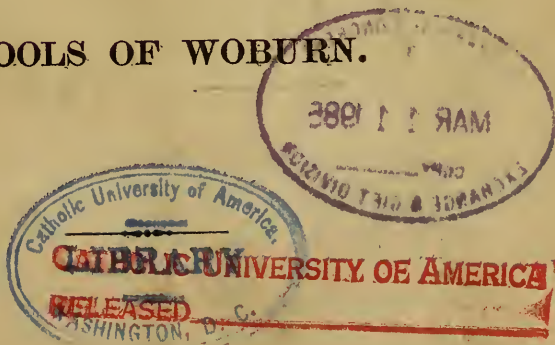
EXPULSION

OF

MR. W. T. SPILLER'S CHILDREN

FROM THE

SCHOOLS OF WOBURN.



WOBURN :

**E. T. MOODY, PRINTER, MIDDLESEX JOURNAL OFFICE,
1864.**

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124,144

OF AMERICA

CATHOLIC UNIVERSITY OF AMERICA

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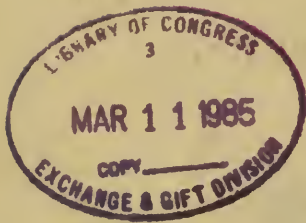
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FELLOW CITIZENS OF WOBURN:—

Knowing your willingness to correct all apparent deviations from justice on the part of your public officers, I beg to call your attention to a few facts in which I am particularly interested.

My rights and privileges have been taken from me by your School Committee, consisting of the following members:—Rufus P. Stebbins, J. C. Bodwell and J. Spencer Kennard. By their instruction, my children, George and Mary, have been expelled from the Green Street School, taught by Miss Mary Dennett, for not complying with the practice of the school in repeating prayer with the teacher, and bowing their heads upon their desks while doing so. As many rumors and sayings are afloat concerning the matter, I take this method of making known the facts in as plain and simple a way as the short space at my disposal will permit, and shall annex the opinion and decision of the School Committee of the neighboring town of Winchester in a similar case, and let the people decide upon the action of the two Committees.

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My children,—George, eight years old, and Mary, six,—attended the Spring and Summer Terms, and two weeks of the Fall Term, of 1863, when they received some punishment for not complying with some rule. (On inquiry, of them I learnt for the first time the practice of the school, and also learnt that they had not complied with it for the two other terms taught by Miss Dennett. I then told them that I did not wish them to repeat the prayer or bow their heads.) Sending them to school for the purpose of being educated,

not for worship, reserving the right of instructing them after my own convictions of right, I accordingly saw Miss Dennett on that evening (and very kindly requested her not to force the rule upon my children, feeling willing for herself and the other scholars to act as they saw fit. She replied, "that the rule must be obeyed." I then told her that I hoped she would respect my feelings in the case.)

On the next Monday morning, they came home between nine and ten o'clock, and said that the teacher told them to take their books and go home, and not come again until they could obey. I called upon her for a written statement of the reasons for their expulsion. She gave me the following note:—

"This is to certify, that George and Mary Spiller have been suspended from school after repeated refusals to obey the rule of the school, until they are willing to conform to the regulation.

MARY DENNETT,

Teacher of Green Street Primary.

WOBURN, Sept. 28th, 1863."

On Thursday noon, I called upon Mr. Kennard and demanded the reasons for their expulsion. (He said that "he did not know of their being expelled, and if they were he could only suppose the reasons, and that the teacher made a complaint to them about the matter; adding that they gave the teachers a general scope of action in regulating their respective schools; but as it was the hour of the Committee meeting, he would lay the matter before them, and if I called upon either one of the three on the next day, I could know the reasons, or receive an answer." I called upon Dr. Stebbins and received the following:—

"Mr. Spiller's children were forbidden to attend school, because they refused to obey their teacher, Miss Dennett.

RUFUS P. STEBBINS.

WOBURN, Oct. 2d, 1863."

I said to him that I was not satisfied with the answer. He said that he knew no more; that Miss Dennett had made a complaint of disobedience, and that he would ascertain the reasons and let me know at the earliest opportunity. I received on Monday morning the following note:—

“SATURDAY NOON.

“MR. SPILLER,—Dear Sir—I learn, on inquiry of Miss Dennett, that she has not required your scholars to repeat the Lord’s Prayer, or be whipped. The rule of the school is, ‘that every scholar recline the head upon the desk when the Lord’s Prayer is repeated in concert with the teacher.’ She has never taken pains to find out who does or does not repeat it, nor inflicted any punishment for not doing it, even if she did observe delinquency. I hope this will satisfy you that no improper regulations are made or unwisely enforced.

Yours truly,

RUFUS P. STEBBINS.”

In connection with this note let me state, that Miss Dennett said she did not ask my children in particular to conform to the rule; (and also, that she opened her eyes and seeing that my children did not comply, stopped and sent them home, and as soon as they reached the entry proceeded with the prayer.)

I called on Dr. Stebbins in the evening and said to him that I did not understand the note that I received from him by Miss Dennett. He said, “that the children were mistaken as to the cause.” I then asked him what they were expelled for, but he would say nothing more concerning the matter. I then demanded that they be admitted into school. He said, “if they would comply with the rule of the school they might go, otherwise they could not.”

On the 9th of October, I met Mr. Bodwell at the Main Street School-house, and told him that there must be some misunderstanding in the matter. He said that “the Committee fully understood the case, and that he had taken par-

ticular pains to see Miss Dennett to know if I had been rightly informed of the reasons, and she said I had been." He also said "that the Statutes permitted the rule, and not only permitted but demanded it, and they should sustain it at all hazards," and then rode off.

On the 22d of October, I sent the Committee a copy of the following opinion of two eminent counsel, and notified them of my intention to place my children in school again, and hoped to hear of no further trouble concerning them.

[OPINION.]

"Mr. Spiller's children were excluded from school, solely for the reason that, in obedience to their parents instructions, they refused to join in prayer, by bowing their heads, or reclining them on their desks, during prayers by the teacher. The laws of the Commonwealth require no such obedience, and give no authority to the school committee to require it. If children in our public schools, can lawfully be required to join in prayer, by bowing their heads, they may lawfully be required to join in prayer, by standing up, raising their heads, closing their eyes, clasping their hands, bending their knees, repeating prayers audibly, responding amen, praying to the Virgin Mary, making the sign of the cross, counting beads, and, in fact, by performing any manner of religious ceremony which the school committee may choose to prescribe.

If the School Committee can require this, or any other religious observance whatever, they can require what neither the legislature, nor any other power in this Commonwealth, can require, consistently with the Bill of Rights. The second article of the Bill of Rights declares that,—“No subject shall be hurt, molested, or restrained, in his person, liberty or estate, for worshiping God in manner and season most agreeable to the dictates of his own conscience; or for his relig-

ious profession or sentiments, provided he doth not disturb the public peace, or obstruct others in their religious worship."

There is no pretence that Mr. Spiller's children disturbed the public peace, or obstructed the teacher, or the other scholars, in their religious worship, they simply refused to join in such worship, or in such religious observances, as were required of them.

It is one of the essentials of religious liberty, and a clear principle of the Bill of Rights of Massachusetts, that no person can be required, by law, to perform any religious observance or ceremony whatever. All that can be required of any one is that he shall not disturb others in their religious worship.

If any religious observance can be required of children in the public schools, it may be required of their fathers in town meetings, or as a condition of being allowed to travel the public highways.

The very Committee who have usurped this authority over the children of Mr. Spiller, would doubtless die at the stake sooner than they would allow their own children to conform to any religious observances not in accordance with their own sentiments.

Suppose the Catholics were to elect the School Committee for the town of Woburn, and that that Committee should prescribe religious observances peculiar to the Catholic religion—the members of the present Committee would then demand for their children, the very liberty they now deny to the children of Mr. Spiller.

But the statutes of this Commonwealth expressly forbid the assumption of any such authority as the School Committee has assumed. Chapter 41, section 9, of the Revised Statutes, expressly declares that,—“No person shall be excluded from a public school on account of the race, color, or *religious opinions*, of the applicant or scholar.”

This right of persons of all kinds of religious opinions to attend the public schools, implies that none of them are to be required to perform any religious ceremony, or conform to any religious observances inconsistent with their respective creeds or convictions.

The third section of the same chapter also declares that,—
 “All children within the Commonwealth may attend the public schools in the place in which they have their legal residence, *subject to the regulations prescribed by law.*”—Not subject to regulations prescribed only by school Committees, but “subject (only) to regulations *prescribed by law.*” And the duties of School Committees are, not to prescribe regulations of their own, but only to see that the “regulations prescribed by law” are observed.

The unreasonable and tyrannical conduct of the Committee is seen in the fact that they have not only prescribed a regulation not prescribed by law, and not allowed to be prescribed even by the legislature itself, but they have prescribed for scholars in secular schools, a religious observance that is not required either by law, custom, or courtesy, even in religious assemblies; for in our religious assemblies, attendants are allowed to stand, to kneel, to bow their heads, to close their eyes, &c., in prayer, *or not to do any of these things*, according as their own feelings may dictate. They are just as free *not to do any of these things*, as they are to do them; and this is no doubt the custom in the very churches, in which these members of the School Committee respectively officiate as preachers.

We of course concede the right of the School Committee to require obedience to all rules that are reasonably necessary to be observed in giving and receiving instruction in all branches of knowledge that are required by law to be taught in the public schools. But certainly religious observances have nothing to do with teaching or learning any of these branches of knowledge. Prayers have evidently nothing

more to do with teaching or learning arithmetic, grammar, geography, &c., than have baptism and the Lord's Supper. And scholars in secular schools might as reasonably be required to join in these latter observances as in prayers or any others.

Prayers are not required by law in the public schools. They are introduced by teachers and committees solely of their own volition. They may reasonably be objected to like any other religious ceremonies, as occupying time that is designed by law to be devoted to other matters. To require children to join in them is, therefore, a most manifest usurpation. Even if prayers were required by law to be made by the teachers, that would not justify the teachers or committee in requiring the children to join in the prayers by any outward sign; but only to observe quiet and order during prayers. No more than this could reasonably be required of children, because this is all that is required, even by custom or courtesy, in professedly religious assemblies.

If it should be claimed that the teacher does not compel the children of Mr. Spiller to do anything more than recline the head, without otherwise joining in prayer, the obvious answer is two-fold,—first, that reclining the head is manifestly joining in the prayer, and can have no other significance; and, secondly, that not reclining the head is not an act that can by possibility disturb others in their devotions, any more than not kneeling could be said to be such a disturbance.

Some persons believe that all formal prayers are erroneous, as implying that the Creator is either ignorant or regardless of His duties. Surely such persons may reasonably and conscientiously refuse to join in such prayers under any circumstances. Other persons, who believe in prayer, may nevertheless reasonably and conscientiously refuse to join in such prayers as they are liable to hear in school or elsewhere, because the prayers of one person may express

sentiments wholly abhorrent to the religious feelings of another person.

The tyranny of the School Committee is evident in another view. The Revised Statutes of this Commonwealth (Ch. 41, Sec. 1) make it an offence, punishable by a fine of twenty dollars, not to send a child to school. But if a man can neither keep his children at home without being fined, nor send them to school without having them compelled to join in obnoxious religious observances, a complete religious tyranny is established over him.

We should hope that the matter might be adjusted between Mr. Spiller and the Committee, without resort to litigation or a town discussion, by their yielding to him a manifest right, which he may reasonably hold inviolable. The Statutes of the Commonwealth are clearly against them. The Bill of Rights is clearly against them. Manifest justice is clearly against them. The plainest principles of religious freedom are against them. The verdict of a jury, if one should be taken and they should do their duty—will surely be against them. The judgment of all candid men will be against them.

The interests of the schools and the quiet of the town require that the Committee recede from their usurpation, for dissenters from prevailing religious creeds are notoriously a class of men not easily silenced; and if Mr. Spiller is a true man, he will not be silenced until his rights are respected. The Committee can judge whether their cause has anything to gain by a controversy, either in law or among the inhabitants of the town.

Boston, Oct. 22d, 1863."

On Monday morning I went with my children to the school and told the teacher that I had notified the Committee of my intention to place them in school, and hoped she would

allow the matter to rest, and let them do their work, for I wished to have no controversy with her. She retained them as visitors on that day, and then told them not to come again; but they went again on Wednesday, and were not permitted to enter the school-room. On account of this interview she made a complaint to the Committee that I had insulted her by using abusive language, and by a threatening manner. Dr. Stebbins reported to Mr. E. N. Blake, committee on the school-house, and he sent the police on the next morning to arrest me in case I went to the school-house again on that day.

In conclusion let me say, that I have stated what I am willing to meet at any time and place, and shall demand of the voters of Woburn, at the next April meeting, that they place such men upon the Board of School Committee as will give me the rights that I am entitled to as a citizen of Woburn.

W. T. SPILLER.

WOBURN, March 10th, 1864.



Extracts from the Report of the School Committee of Winchester, for the School-year 1854-5.

Attention is respectfully called to the following extracts, taken from the Report of the School Committee of Winchester, for the school-year 1854-5, at which time John A. Bolles, Charles Kimball, Charles P. Curtis, jr., William Ingalls, and Stephen A. Holt, comprised the Committee:—

“Early in the year complaint was made to us that several children had been suspended by Miss Porter, their teacher, from the Washington School, for refusing to read the commonly received Protestant, or King James’s, version of the Bible in their classes in school. These pupils were the children of Roman Catholic parents. Their refusal was based on a religious scruple. Their conduct in all other respects was good. They were legally entitled to instruction in the public schools. These parents were anxious to have their children taught in those schools, and had, as they made known to us, no objection to their children’s hearing the common version of the Bible read, or to their children’s attendance on prayer by the teacher; and they requested the Committee to take such action in the case as might seem to be lawful and proper.” * * * *

“We were unanimous in our opinion and belief that, under the constitution and laws of Massachusetts, no public school teacher or school Committee could rightfully compel a Protestant pupil to read or study the Roman Catholic version of the Holy Scriptures, and that no public school teacher or Committee could rightfully compel a Roman Catholic pupil to read or study the Protestant version of the same sacred volume. The law provides (Revised Statutes, chapter 23, section 17) that “the school Committee of each town *shall* direct what books shall be used in the several schools kept by

the town, and *may* direct what books shall be used in the respective classes." But this grant of power is qualified and controlled by the familiar principles of the constitution. The equality of all citizens, and of all denominations or sects, in religion, and the sanctity of conscience, whether in school or out, of school, are not to be violated or invaded. What we would consider illegal, unjust, unconstitutional, if done or attempted by a Roman Catholic Committee or teacher, we could neither sanction nor tolerate as constitutional, just, or lawful, when done or attempted by a Protestant teacher or Committee. Our constitution and laws know no difference between citizens of different creeds or sects. The fact that Roman Catholics are the majority or the minority does not affect their rights.

Our schools, not less than our courts, our legislature, our roads and our bridges, are part and parcel of the State, sustained by the people at large without distinction of name or faith. They are alike open to all, and open to all alike, and all are alike bound to aid in their support.

Not only is every child entitled to be taught in those schools, but the law requires that, unless elsewhere properly educated, he shall be so taught. It is by the constitution and laws enjoined upon all in authority to promote a universal attendance on those schools. Habitual absence or tyranny is a statute offence, for which both parent and child are punishable.* Any child unlawfully excluded from public school instructions may recover damages therefor in an action against the town.†

The major part of the people of Massachusetts, like ourselves, are protestants. But that will not justify them or us in infringing one whit upon the religious rights of any class of our fellow-citizens, whether Roman Catholic or Greek Catholic, Episcopal Catholic, or catholic in the true and proper signification of that much-abused and perverted term.‡ Any individual is a bigot or a tyrant who will impose upon another

*Constitution, part 2, chapter 5, section 2. Acts of 1850, chapter 294, and of 1852, chapters 240 and 283.

†Acts of 1845, chapter 214.

‡"The Apostles' Creed" of "the Protestant Episcopal Church in the United States of America" contains among its formulas the declaration, "I believe in one holy *catholic* church," or "one catholic and apostolic church," "Catholic—universal or general," So says Webster's Dictionary, the authoritative text book in all our schools.

er man's conscience any doctrine, decree, policy, or measure to which he would not himself patiently submit or conform. And if this be true of an individual, it is more emphatically true of a community. The error or the wrong of *one* may be more readily borne or forgiven than the fault or folly of a multitude.

One member of this Committee is a Baptist. Suppose he should insist that the Baptist version of the Bible published in New York, and in which the Greek word for *baptize* is translated into the English word *immerse*, should be read in our public schools; would he not be justly denounced as a bigot? And if the majority of his associates were of the same sect, and should join in the same folly, so that every scholar in every public school in Winchester should be compelled, on pain of expulsion, to read, as a daily school exercise, this Baptist Bible, would not the people of the town perceive the unconstitutionality and illegality, and feel the injustice, and ridicule the folly, of that procedure?

Moved by considerations like these, we determined that, so far as depended on us, no scholar should, contrary to his own conscientious scruples, or to those of his parent or guardian, be compelled to *read* the Bible in any version, whether Douay, King James, or New York Baptist; nor be hereafter excluded from school for his refusal so to read.

At the same time we were not disposed to censure, nor did we censure, Miss Porter, the teacher of the Washington School, for having enforced obedience even by an act of suspension; but the suspended scholars were restored, and the rule established by our vote of the 20th of April was made publicly known." * * * *

"Our decision was unquestionably a decision that we, as a Committee, had a perfect right to make; nor have we ever doubted that our decision, and the rule thereby established, are correct.

Those who believe that any scholar in our public schools can rightfully be compelled, contrary to his own religious scruples or to those of his parent or guardian, to read any particular version of the Bible, are ignorant of the true character of those schools and of their relation to the State."

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